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DEPARTMENT FOR L-A/S KOH

E.O. 12958: DECL: 10/06/2019
TAGS: [PGOV](#) [PREL](#) [AF](#)
SUBJECT: THREE ALLEGED JUVENILE DETAINEES IN GOOD HEALTH;
TWO REMAIN AT ANDF

Classified By: Deputy Ambassador Francis Ricciardone, reasons 1.4 (b) and (d).

¶1. (C) SUMMARY: On September 16, EmbOffs, CSTC-A detainee attorney John Torresala and CSTC-A Afghan National Detention Facility (ANDF) Embedded Training Team (ETT) Director Col. Thomas Cantwell visited the Kabul Juvenile Detention Center to meet with three juvenile detainees transferred from the Afghan National Detention Facility (ANDF). All three appeared in good health, but were unclear on the status of their legal proceedings. Afghan Attorney General Aloko refused to approve the transfer of two additional alleged juvenile detainees being held at ANDF. END SUMMARY.

WELFARE OF THREE JUVENILE DETAINEES TRANSFERRED FROM ANDF

¶2. (SBU) Said Saraj Ahmad, Esa Mohammad and Abdul Rashid were transferred on August 4 from the ANDF to the Kabul Juvenile Detention Center by Afghan National Army forces. U.S./Coalition Forces captured Saraj Ahmad on February 28 in Ghazni Province after he was observed with four other individuals attempting to plant Improvised Explosive Devices in two separate locations. Per Bagram Theater Internment Facility (BTIF) case files, he told the capturing unit he was born on January 1, 1991. Later, during in-processing at the ANDF, he said he was 17 years old.

¶3. U.S./Coalition Forces captured Esa Mohammad on April 4 in Kandahar Province during a mission to capture his brother. Esa is reported to be a member of a group that killed four coalition troops in March. Per BTIF case files he told the capturing unit he was born on January 1, 1990. During in-processing at the ANDF, however, he claimed to be 15 years old.

¶4. (SBU) U.S./Coalition Forces captured Abdul Rashid on March 30 in Khowst Province. He is reported to be involved with the HIG insurgency network in the Province. Per BTIF case files, he told the capturing unit he was born on January 1, 1993. During in-processing at the ANDF, however, he claimed to be 13 years old.

¶5. (SBU) EmbOffs found the Center clean and orderly, although security precautions and educational opportunities are limited. Director of the Center Maqbel told us that after some adjustment to the city noise, the village boys have settled in well, even teaching the Koran to other detainees. All three boys told Embassy and CSTC-A officers that they are being fed and have no complaints about their care at the Center.

TRANSFERRED JUVENILES UNCLEAR ON LEGAL STATUS/PROCEEDINGS

¶6. (SBU) All three juveniles said their lawyers have been visiting them on a weekly basis, but a review of the

visitor,s log by corrections advisors revealed that many of the visits were in fact by prosecutors. Neither the Center staff nor the detainees appeared to understand the difference between having discussions with defense lawyers versus with prosecutors. When the detainees asked the visiting CSTC-A and ANDF ETT Director for updates on their legal status, Torresala and Cantwell explained that the detainees are now in Afghan custody and beyond Coalition control. The detainees did not appear to fully grasp the difference in their situation and continued to appeal for U.S. assistance.

STATUS OF TWO ALLEGED JUVENILES REMAINING AT ANDF

17. (C) On July 25, CSTC-A presented the case file for alleged juveniles Sher Ajan and Ya Qut to Attorney General Aloko recommending transfer from the ANDF because of their ages. Sher Ajan was captured by U.S./Coalition Forces on November 2, 2008 in Khowst Province for accompanying an insurgent on a fundraising/extortion trip for the Taliban. Per BTIF case files, he told the capturing unit he was born on January 1, 1990, and claimed to be 15 during in-processing at the ANDF. His claim was later substantiated by a bone scan at the BTIF, and his transfer to a juvenile facility has been requested. Ya Qut was captured by Afghan National Police/Coalition Forces on February 3, 2009 in Uruzgan Province during a raid after which he confessed in writing that he had come from Pakistan to Kandahar to serve as a suicide bomber. Attorney General Aloko advised ANDF personnel that he did not approve the transfer since investigation by the National Directorate of Security determined the boys are not juveniles, despite the bone scan.

18. COMMENT: Juvenile detainees pose a public affairs challenge for both the Afghan government and for the U.S., making it important for the Afghan legal system to address these cases promptly. Post will continue to follow the treatment of juvenile detainees and to urge the Attorney General to move forward with court proceedings correctly and expeditiously. END COMMENT.
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